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इस भाग में भिन्न पृष्ठ संलग्न हो जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।

Separate paging is given to this Part in order that it may be filed
as a separate compilation

LOK SABHA

The following Report of the Joint Committee on the Bill further to amend the Mines Act, 1952 was presented to Lok Sabha on the 30th August, 1973:—

COMPOSITION OF THE COMMITTEE

Shri Anant Prasad Sharma—Chairman

MEMBERS

Lok Sabha

2. Shri Bhagirath Bhanwar
3. Shri Chapalendu Bhattacharyya
4. Shri Dinen Bhattacharya
5. Shri Khemchandbhai Chavda
6. Shri M. C. Daga
7. Shri Anadi Charan Das
8. Shri K. G. Deshmukh
9. Shri C. D. Gautam
10. Shri Bhogendra Jha
- *11. Shri Purushottam Kakodkar
12. Shrimati Sheila Kaul

*Appointed w. e. f. 3-4-73 vice Shri Balgovind Verma resigned.

13. Shri Surendra Mohanty
14. Shri Boksi Nayak
15. Shri Paripoornanand Painuli
16. Shri Damodar Pandey
17. Shri Prabhudas Patel
18. Shri R. Balakrishna Pillai
19. Shri Ramji Ram
20. Ch. Ram Prakash
21. Shri Bhola Raut
22. Shri P. Antony Reddi
23. Ch. Sadhu Ram
24. Shri R. N. Sharma
25. Shri T. Sohan Lal
26. Sardar Swaran Singh Sokhi
27. Shri R. P. Ulaganambi
28. Shri T. V. Chandrashekharappa Veerabasappa
29. Shri G. Venkatswamy
30. Shri G. P. Yadav.

Rajya Sabha

31. Shri Kalyan Roy
32. Shri M. K. Mohta
33. Shri Monoranjan Roy
34. Shri Virendra Kumar Sakhalecha
35. Shri B. K. Mahanti
36. Shri Sita Ram Singh
37. Shri Showaless K. Shilla
38. Shri Vinaykumar Ramlal Parashar
39. Shri Mahendra Bahadur Singh
40. Shri Kali Mukherjee
41. Shri Jagan Nath Bhardwaj
42. Shri Qasim Ali Abid
43. Shri Himmat Singh
44. Shri Dwijendralal Sen Gupta
45. Shri Inder Singh

LEGISLATIVE COUNSEL

1. Shri P. L. Gupta—*Additional Legislative Counsel*.
2. Shri V. S. Bhashyam—*Deputy Legislative Counsel*.

REPRESENTATIVE OF THE MINISTRY OF LABOUR AND REHABILITATION
(DEPARTMENT OF LABOUR AND EMPLOYMENT)

1. Shri P. M. Nayak—*Secretary*.
2. Shri N. P. Dube—*Additional Secretary*.
3. Shri D. S. Nim—*Joint Secretary*.
4. Shri H. B. Ghose—*Director General of Mines Safety*.
5. Shri V. K. Chanana—*Deputy Secretary*.
6. Shri P. R. Nayar—*Under Secretary*.

SECRETARIAT

Shri P. K. Patnaik—*Joint Secretary*.

Shri H. G. Paranjpe—*Deputy Secretary*.

REPORT OF THE JOINT COMMITTEE

I, the Chairman of the Joint Committee, to which the Bill* further to amend the Mines Act, 1952 was referred, having been authorised to submit the Report on their behalf, present their Report with the Bill, as amended by the Committee, annexed thereto.

2. The Bill was introduced in Lok Sabha on the 22nd May, 1972. The motion for reference of the Bill to a Joint Committee of the Houses was moved in the Lok Sabha by Shri R. K. Khadilkar, the then Minister of Labour, Employment and Rehabilitation on the 25th May, 1972 and was adopted.

3. Rajya Sabha concurred in the said motion on the 30th May, 1972.

4. The message from Rajya Sabha was read out in Lok Sabha on the 1st June, 1972.

5. The Committee held 26 sittings in all.

6. The first sitting of the Committee was held on the 3rd June, 1972 to draw up their programme of work. The Committee decided that workers' organisations, managers' associations and individuals interested in the subject matter of the Bill and desirous of submitting memoranda thereon for consideration of the Committee might do so by the 30th June, 1972. The Chairman was authorised to decide, after examining the memoranda received from various associations, organisations, etc. as to which of them might be called upon to give oral evidence before the Committee.

At this sitting, the Committee also decided to undertake on-the-spot study visits to some of the mining areas in the country in order to acquaint the members of the Committee with the working conditions in different types of mines and also to hold their sittings in some of the State Capitals to hear oral evidence of the representatives of various associations, organisations, etc. of the area concerned.

7. 71 memoranda on the Bill were received by the Committee from various organisations, associations, etc.

8. The Committee undertook on-the-spot study visits to various mines viz. Bhurkunda Coal Mines, Kedla Jharkand Coal Mines, Hazaribagh and Mines Rescue Station, Dhanbad in July, 1972 Singareni Coal Mines, Hyderabad, magnesite mines and Kolar Goldfields in Mysore, Iron Ore Mines, Goa and Manganese Mines, Nagpur during October/November, 1972; Neyveli Lignite Mines in January, 1973; Mica Mines, Jai-pur in January, 1973 and Limestone Mines and Stone Quarries, Jammu & Kashmir in June, 1973.

*Published in the Gazette of India, Extraordinary, Part II, Section 2, dated the 22nd May, 1972.

9. The Committee heard oral evidence given by the representatives of various associations, organisations, etc.

10. At their sitting held on the 20th July, 1973 the Committee decided that (i) the evidence given before them might be laid on the Tables of both the Houses, and (ii) two copies each of the memoranda received by the Committee from various associations, organisations, etc. might be placed in the Parliament Library after the Report of the Committee was presented, for reference by the Members of Parliament.

11. The Report of the Committee was to be presented to the House by the 4th August, 1972. The Committee were granted extension of time six times. The first extension was granted on the 3rd August, 1972 upto the 22nd December, 1972; second on the 19th December, 1972 upto the 9th March, 1973; third on the 26th February, 1973 upto the 4th May, 1973; fourth on the 3rd April, 1973 upto the 30th July, 1973; fifth on the 27th July, 1973 upto the 18th August, 1973 and sixth on the 16th August, 1973 upto the last day of the Eighth Session of the Fifth Lok Sabha.

12. The Committee considered the Bill clause-by-clause at their sittings held on the 2nd, 3rd, 4th, 19th and 20th July, 1973.

13. The Committee considered and adopted the Report on the 27th August, 1973.

14. The observations of the Committee with regard to the principal changes proposed in the Bill are detailed in the succeeding paragraphs.

15. Clause 2 [renumbered as clause 3].—The Committee have made amendments to the definitions of certain terms as explained below:—

(i) Sub-clause (ii) [renumbered as Sub-clause (iv)].—(a) Sometimes persons are appointed by the owner or agent and they might not necessarily be working with the knowledge of the manager and such persons could not be treated as persons employed in the mine on the ground that they were neither appointed by the Manager nor working with his knowledge. The Committee feel that this will cause hardship to all such persons in-as-much as they will be deprived of all the benefits under the Act for no fault on their part.

In order to avoid hardships being caused to such persons concerned, the opening part of the proposed clause (h) of this sub-clause has been amended.

(b) The persons employed on the work of gathering sand and transport thereof to the mine should also be treated at par with those employed in any mining operation so that they are not deprived of the benefits under the Act, Part (i) of the proposed clause (h) has been amended accordingly.

(c) A person, who is employed in the construction of buildings, roads, wells and other works directly connected with any existing or future mining operations, should also be considered as a person employed in the mine. Part (ii) of the proposed clause (h) has, therefore, been substituted accordingly.

(d) A person, who is employed in the operations of loading for despatch of minerals even outside the premises of the mine, should also be deemed to be a person employed in the mine. Part (iv) of the proposed clause (h) has been amended accordingly.

(e) In certain areas, the office of the mine which expression is defined in clause (k) of sub-section (1) of section 2 of the Act, is also located outside the premises of the mine and in such cases, according to the proposed provisions, the persons employed therein would be deprived of the benefits accruing under the Act, Part (v) of the proposed clause (h) has been suitably amended.

(f) The watch and ward personnel employed in the residential areas within the premises of the mine might also be treated as persons employed in the mine. Part (vi) of the proposed clause (h) has, therefore, been amended accordingly:

(g) All persons employed in any other sphere which is ancillary to the mining operations should also be treated as persons employed in the mine for the purposes of the Act, Part (vii) of the proposed clause (h) has been amended accordingly.

(ii) *Sub-clause (iii)* [renumbered as Sub-clause (v)].—The proposed definition of "mine" does not cover mines that are working without a mining lease granted under the Mines and Minerals (Regulation and Development) Act, 1957 or the prospecting licence under the Oil-fields (Regulation and Development) Act, 1948 or under any lease or licence. Such mines would, therefore, not be covered under the Mines Act and their owners would not be obliged to take suitable measures for safety, health and welfare of workers. The Committee feel that such mines should also be brought within the ambit of the Act. Definition of the term "mine" in the proposed clause (j) has, therefore, been amended to cover even those mines.

(iii) *Sub-clause (iv)* [renumbered as Sub-clause (vii)].—The Committee feel that an "injury" which involves enforced absence of the injured person from work even for a period of less than twenty days should also be treated as "reportable injury". The definition of the term "reportable injury" has, therefore, been amended accordingly.

(iv) *Sub-clause (v)* [renumbered as Sub-clause (iii)].—The Committee are of the view that the definition of the term "serious bodily injury" should *inter alia* include:—

- (a) permanent loss of the use of any part or section of the body;
- (b) permanent physical incapacity;
- (c) fracture of one or more joints or bone or bones of any phalanges of hand or foot; and
- (d) loss of or injury to any other part of the body.

The definition has been amended accordingly.

Other changes made in this clause are of a verbal nature.

16. *Clause 3* [renumbered as clause 4].—In the course of evidence before the Committee, all small quarry owners and owners of opencast mines had represented to the Committee that the application of section 3 of the Mines Act, 1952 had created working difficulties and suggested that there should be a separate set of regulations for the opencast mines and quarries. The Committee note that the Expert Committee appointed to investigate this matter had *inter alia* recommended that

there should be a separate set of regulations for the opencast mines and quarries. The Committee also note that the consensus at the Third Conference on Safety in Mines held at Calcutta on the 14th and 15th July, 1973 was that the Report of the Expert Committee and the recommendations made therein were not acceptable but that consideration could, however, be given to have a separate set of regulations for all opencast mines, irrespective of their size or the mineral mined. The Committee recommend that Government should frame a separate set of regulations for the opencast mines and quarries.

17. *Clause 5* [renumbered as clause 7].—(i) The Committee feel that three days' time limit for giving notice to the manager of the mine before undertaking safety and occupational health survey in a mine is too long a period and feel that forty-eight hours' notice in this behalf should be reasonable.

Sub-section (1) of the proposed new section 9A has been amended accordingly.

(ii) The Committee also feel that the time spent on the medical examination and journey to and from the mine to the place of medical examination by any person employed in the mine, who is chosen for examination in the safety and occupational health survey, should be counted towards his working time and the overtime, if any, should be paid to him at double the ordinary rate of wages.

Sub-section (3) of the proposed new section 9A has been amended accordingly.

(iii) The Committee also feel that any person, who is selected for medical examination under occupational health survey, is found medically unfit for his particular duty, he should be given medical treatment at the cost of management with full pay and, in case he is declared unfit for his present job, should be provided with suitable alternative job.

A new sub-section (4) achieving these objectives has, therefore, been added to the proposed new section 9A.

18. *Clause 6* [renumbered as clause 8].—The Committee are of the view that disclosure of any information, acquired by the Chief Inspector or an Inspector or any one assisting him during the course of inspection of any mine, to the recognised trade unions and the registered trade unions, on request, should *inter alia* also be exempted from the operation of sub-section (1) of section 10 of the Act.

Part (b) of this clause has been suitably amended.

19. *Clause 7* [renumbered as clause 9].—Sub-clause (1).

(i) The Committee are of the opinion that since there are different types of mines operating in the country, it would not be possible for a single Mining Board to function efficiently for the whole country particularly when there are at present nine Mining Boards constituted for different States or groups of States. The Committee, therefore, feel that there should at least be two Mining Boards— one for coal mining industry and the other for non-coal mining industry. Proposed Section 12 has been amended accordingly.

(ii) The Committee feel that on account of nationalisation of coal mines, the term "organisations of owners of mines", appearing in clause (e) of proposed section 12 would lose relevance in so far as the coal mines are concerned. The clause has, therefore, been amended to enable the Government to consult the public sector coal mining units for their representation on the mining boards.

(iii) *clause (f).*—The Committee feel that in the proposed Mining Boards nomination of four persons to represent the interests of persons employed in mines was not adequate and recommend that their representation should be increased to six persons.

Clause (f) of proposed section 12 has been amended accordingly.

(iv) The Committee feel that with regard to nomination of two persons representing the interests of managers of mines in the Mining Boards there was an apprehension that other technical persons employed in the mines might not be represented. In order to safeguard their interests also, the term "managers of mines" should be substituted by the term organisations of "technical persons employed in the mines." Clause (g) of proposed section 12 has been amended accordingly.

20. *Clause 8* [renumbered as clause 10].—The Committee feel that so far as the representation of persons employed in the mine on the Committee, referred to in section 13 of the Act is concerned, the Central Government should, in consultation with the recognised trade unions of persons employed in the mine, nominate two persons to represent the interests of the persons employed in the mine and in case, there is no such recognised trade union, the Central Government may consult such other organisation of employees of the mines as the Government may consider necessary.

The clause has been amended accordingly.

21. *Clause 12.*—(i) The amendment made in sub-section (3) of the proposed new section 17 is of a clarificatory nature.

(ii) Amendment made in sub-section (4) of the proposed new section 17, is of a consequential nature.

22. *Clause 14* [renumbered as clause 15].—The Committee are of the view that in case of failure of the owner, agent or manager of a mine to comply with the provisions of the Act with due notice given by the Chief Inspector and Chief Inspector considers it necessary to prohibit the employment in or about the mine of workers, the workers rendered idle should be paid full wages till resumption of their duties.

Proposed new section 22A has accordingly been amended.

23. *Clause 15* [renumbered as clause 16].—Under sub-section (3) of section 23 of the Act, bodily injury resulting in the enforced absence of an injured person from work for a period exceeding forty-eight hours as required to be entered in a register. The Committee feel that even for a period exceeding twenty-four hours, the Central Government should be empowered to direct their entry in the register in the prescribed form and should be subjected to the provisions of sub-section (1) of section 23 of the Act.

Part (b) of this clause has been amended accordingly.

24. Clause 16 [renumbered as clause 17].—The Committee feel that a place of accident causing loss of life or serious bodily injury even to a single person should not be disturbed before the arrival, or without the consent of, the Chief Inspector or an Inspector. The Committee also feel that it should be made incumbent upon the Chief Inspector or the Inspector to inspect the place of accident within seventy-two hours after the receipt of the notice and in case the said officer fails to inspect the place of accident within this period, the work might be allowed to be resumed at the place of accident.

Proposed new section 23A has been amended accordingly.

25. Clause 17 [renumbered as clause 18].—(i) The Committee are of the view that while fixing the ordinary rate of wages of a worker who is employed in a mine on piece-rate basis and who has not worked in the preceding week on the same and identical job the average rate of wages (a) for the days he has worked, or (b) for the previous week whichever is higher, might be taken into account.

Proviso to proposed sub-section (2) of section 33 has been amended accordingly.

(ii) The Committee are also of the view that the compensation accruing through the free issue of edible oils should be included in the ordinary rate of wages of the persons employed in the mine.

Proposed sub-section (3) of section 33 has been amended accordingly.

26. Clause 20 [renumbered as clause 21].—The Committee recommend that annual leave with wages in respect of a person employed in mine who has completed a calendar year's service therein, might be calculated as under:—

- (a) in the case of a person employed below ground, at the rate of one day for every twelve days of work performed by him; and
- (b) in any other case, at the rate of one day for every sixteen days of work performed by him.

Sub-section (1) of section 52 of the Act has been amended accordingly.

27. Clause 22 [renumbered as clause 23].—(i) Clause (c) of section 58 of the Mines Act, 1952 provides that the Central Government may, by notification in the Official Gazette, make rules *inter alia* for providing for the appointment of course of inquiry under section 24 and for the recovery of the expenses of such courts from the manager, owner or agent of the mine concerned. Sub-rule (2) of rule 22 of the Mines Rules, 1955 which has been framed under section 58(c) of the Mines Act, 1952 provides that the amount of expenses on the court of inquiry, as directed by the court of inquiry, may on application by the Chief Inspector or an Inspector to a Magistrate having jurisdiction at the place where the mine is situated or where such owner is for the time being resident, be recovered by attachment and sale of any movable property within the limits of the Magistrate's jurisdiction belonging to such owner. As movable properties in the mines would not be easily available for attachment and in the case of some mines, they may not be sufficient to realize

the expenses ordered by the court, the Committee feel that a substantive provision should be made to provide that the amount directed to be recovered may, on application by the Chief Inspector or an Inspector to the concerned authority, be recovered from the owner as arrears of land revenue.

(ii) The Committee also feel that the Central Government should be empowered to make rules regarding the facilities which the workers' representative has to be given so as to enable him to carry on an inspection of mine on behalf of the workers.

In order to achieve the above objectives, the clause has been amended accordingly.

28. *Clause 27 [renumbered as clause 28].*—(i) In order to represent the interests of all sections in the Rescue Committee adequately, the Committee feel that the strength of the proposed Rescue Committee might be increased. It might consist of not less than ten and more than eighteen members.

Sub-section (4) of the proposed new section 62A has, therefore, been amended accordingly.

(ii) The Committee were informed that mines other than coal mines were also having underground operations and the risk involved in such mines was not less than that of coal mines. The Mines Rescue Station should, therefore, cater to the needs of all mines. The levy for this purpose may be imposed on mines other than coal. The Committee, therefore, feel that the Government might examine the feasibility of amending this clause of the Bill so as to cover all the mines under its operation.

29. *Clauses 28 and 29 [renumbered as clauses 29 and 30].*—The Committee feel that it would not be desirable to give discretionary powers to the courts for awarding minimum punishment and the punishment for the contravention of the orders issued under section 22A of the Act should be deterrent.

Part (b) of clauses 28 and 29 have been suitably amended.

30. *Clause 34 [renumbered as clause 35].*—The Committee feel that the words "Unless otherwise prescribed" are not necessary in the proposed new section 85C of the Act.

These words have accordingly been omitted.

31. *Clause 1 and Enacting Formula.*—The amendments made are of a formal nature.

32. The Committee note that in the Directorate of Mines Safety, there were now no posts of "Chief Inspector of Mines" or "Inspector of Mines", referred to in the Act and also in the Bill. Some of the terms, such as, British Calendar, annas, etc. are also not in vogue. The Committee feel that the designations of such officers and also of other officers, and the terms which were not in use might be changed both in the Act as well as in the Bill wherever necessary.

Necessary changes in this regard have, therefore, been made wherever necessary.

33. The Joint Committee recommend that the Bill, as amended, be passed.

ANANT PRASAD SHARMA,

NEW DELHI;

Chairman.

August 30, 1973.

Bhadra 8, 1895 (Saka).

MINUTES OF DISSENT

I

माईस कमेटी की 27 अगस्त, 1973 को ड्रापट रिपोर्ट पर विचार करते हेतु एक वैठक दुर्वै है। पूर्व में क्लाज बाई क्लाज कंसीडरेशन के समय दो महत्वपूर्ण मुद्दों पर हमारा भल स्वीकार नहीं किया गया। अतः मैं अपनी विमत टिप्पणी रिपोर्ट के साथ संलग्न करना चाहता हूँ।

(1) क्लाज (9) में जो दो माइनिंग बोर्ड्स बनाने का प्रावधान किया गया उस सम्बन्ध में हमारा यह मत है कि पूर्व में इस तरह के 9 बोर्ड्स थे। उनके साथ कम से कम तीन बोर्ड होना चाहिए तथा बोर्ड किस आधार पर बनेंगे इसका कोई सिद्धान्त भी निर्धारित किया जाना चाहिए। कोयले के खनन में यदि एक लाख से अधिक मजदूर काम करते हैं तो उनका अलग बोर्ड होना चाहिए उसी प्रकार अन्य महत्वपूर्ण खनिजों के लिए जिनके खनन में 50,000 या लाख से अधिक मजदूर काम करते हैं उनके लिए अलग बोर्ड होना चाहिए। बिना सिद्धान्त के निर्धारित किये केवल यह प्रावधान करना कि एक कोयले के सम्बन्ध में बोर्ड होगा एवं दूसरा कोयले के अनिरिक्त समस्त खनिजों के लिए बोर्ड होगा। यह कोई तर्क संगत आवार नहीं है।

दूसरा महत्वपूर्ण प्रश्न बोर्ड में या सम्बन्धित कमेटी [क्लाज 10 (धारा 13) आदि] में मजदूरों के प्रतिनिधि किस आधार पर निश्चित किये जावें। रेकग्नाईज्ड यूनियन के प्रतिनिधि शासन निर्धारित करे उसके बजाए मजदूरों को गुप्त मतदान से अपने प्रतिनिधि निर्धारित करने की प्रणाली निश्चित किया जाना प्रजातात्क्रिक एवं उचित तरीका होगा ताकि मजदूरों का सही प्रतिनिधित्व हो सके।

नई दिल्ली;

वीरेन्द्र कुमार सखलेचा

27 अगस्त, 1973

[English translation of I]

The Joint Committee on Mines (Amendment) Bill held its sitting on the 27th August, 1973 to consider the draft report. At the time of clause-by-clause consideration of the Bill, my views on two important points were not accepted. Hence I want that my minute of dissent should be appended to the Report:—

- (1) Provisions were made in clause (9) for setting up two Mining Boards. But I think that there were 9 such Boards previously. There should be provision for 3 additional Boards and guide-lines for setting up the Boards should be laid down. In the case of a coal Mine where more than one lakh workers are employed, a separate Board should be set up. Similarly there should be a provision for separate Board in respect of other important minerals also where more than 50,000 or one lakh workers are engaged in mining. Provision for a Board in respect of coal mines and another for the remaining minerals other than coal, without laying down definite guide-lines, does not provide a rational basis.
- (2) Other important point is; what will be the basis for nominating the representatives of workers on a Board or on a Committee related thereto [clause 10 (section 13), etc.]. It will be more democratic and just to lay down a system of electing representatives by secret ballot by the workers rather than by the Govt. to nominate the representatives of recognised Unions. It will provide fair representation to the workers.

NEW DELHI;
The 27th August, 1973.

VIRENDRA KUMAR SAKHALECHA

II

The Mines Act is being amended nearly after 20 years. In between seven big disasters in the following collieries have taken place leading to the death of nearly 1,500 workers in Coal Mines alone:—

Newton Chickli Colliery (Madhya Pradesh).

Amlabad Colliery (Bihar).

Burradhemo Colliery (West Bengal).

Chinakuri Colliery (West Bengal).

Dhori Colliery (Bihar).

Central Bhowra Colliery (Bihar).

Jitpur Colliery.

The Courts of Enquiry, appointed to enquire into the accidents at these collieries, made numerous recommendations regarding improvement of safety and other matters for workers and people working underground. Similarly in between Amlabad Coal Mines and Jitpur Colliery disasters, there have been three safety conferences. The first and second safety conference also made numerous recommendations to strengthen the safety measures. An I.L.O. team consisting of mining experts visited this country and made valuable suggestions. But the Government has neither made any serious attempt to implement these recommendations nor incorporate them in the present Mines (Amendment) Bill. Result is many of the problems which affect the Miners continue to remain as they were and would seriously jeopardize safety in the Mines.

2. It is also unfortunate that no provision has been made to set up rescue stations as recommended by the I.L.O. team. The number of rescue stations which are existing today is absolutely inadequate.

3. I am totally against any nomination of workers' representatives to two Mining Boards,—coal and non-coal by the Government. The representatives of the workers must be elected by the workers themselves as is done throughout the world. Nomination by the Government of persons who would be representing workers would seriously jeopardize safety and would lead to bitterness.

4. *Amendment of Section 13.*—Similarly I am opposed to any nomination by the Central Government in consultation with any recognised trade unions of two persons to represent the interests of the persons employed in the Mines. Here also the workers who work underground must have the right to choose who will represent them. And the election should be made by secret ballot. Any imposition of persons by the Government would endanger safety and stand in the way of close collaboration between workers and management.

5. Safety Committee of the Mines should be elected by secret ballot of the workers. At present wherever Safety Committee exists, they consist of nominated people who do not represent the workers at all. If one sincerely wishes the close co-operation of the workers for safety and for prevention of accidents, the workers must have the right to choose who will be their nominees and not the Government.

KALYAN ROY

NEW DELHI;
The 28th August, 1973.

III

The Mines Act passed in 1952 which was sought to be amended after 20 years was of course a welfare measure. But the report which was adopted did not touch many of the important aspects. So far the safety measures in the mines were concerned, the amendment bill was not a comprehensive enactment for which there was great urge and expectation by the people specially the miners.

The report does not mention any effective preventive measures to check the increasing number of accidents. Of course certain provisions have been made to deal with the situation after an accident takes place in and around the mines—minor and fatal.

Dealing with the amendment proposed by the Joint Committee we may mention that we strongly oppose the provision regarding the constitution of Mining Boards in which the workers' representatives will be in minority. The provision for nomination of six persons employed in mines by the Central Government in consultation with the organisations of persons employed in mines as may be recognised by the Central Government, *ipso-facto* deprive the workers to have their own representative in the Board. We thus propose that this particular provision regarding the constitution of the Mining Board should be so amended that the workers representation may not be in minority and the representative of the workers may be elected by secret ballot.

Regarding the constitution of Rescue Station Committee no representation has been given to the workers. When the coal mines have been taken over by the Government and there is talk of workers' participation in the management, it is deplorable that the amending bill does not provide any representation of the workers in the Rescue Station Committee. We propose that the section dealing with the constitution of Rescue Station Committee must also provide for the inclusion of workers representative to be elected by secret ballot in the Rescue Station Committee.

While amending Section 72C special provision for contravention of law with dangerous results have been so worded that the provisions of imprisonment have been made a discretion of the trying Magistrate. We propose that like the provision provided in Section 72E of the principal Act the amendment in Section 72C in principal Act (Clause 30 in the amending bill) should also provide for the punishment of imprisonment and fine (and not imprisonment or fine).

In conclusion we may add that the Joint Committee which was constituted about a year back could not bring out a report containing the amendments of the Mines Act of 1952 which could remove the long-standing shortcomings and lacunae.

However, we still expect that the Government will even now remove the shortcomings and make the enactment a perfect one.

NEW DELHI;
August 29, 1973.

DINEN BHATTACHARYA
MONORANJAN ROY

Bill No. 45-B of 1972**THE MINES (AMENDMENT) BILL, 1972**

(AS REPORTED BY THE JOINT COMMITTEE)

(Words side-lined or underlined indicate the amendments suggested by the Committee; asterisks indicate omissions.)

**A
BILL***further to amend the Mines Act, 1952.*

Be it enacted by Parliament in the Twenty-fourth Year of the Republic of India as follows:—

1. (1) This Act may be called the Mines (Amendment) Act, 1973.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

35 of 1952.

2. In the Mines Act, 1952 (hereinafter referred to as the principal Act), for the words "Chief Inspector of Mines", "Chief Inspector", "Inspectors of Mines", "Inspectors", "Inspector" and "an Inspector", wherever they occur, the words "Director-General of Mines Safety", "Director-General", "Deputy Directors of Mines Safety", "Deputy Directors", "Deputy Director" and "a Deputy Director" shall respectively be substituted.

Short title
and com-
mence-
ment.

Change
of desig-
nation of
Chief
Inspector
of Mines
and
Inspector
of Mines.

Amend-
ment of
section 2.

3. In section 2 of the principal Act, in sub-section (1),—

(i) for clause (c), the following clause shall be substituted, namely:—

‘(c) “agent” when used in relation to a mine, means any individual, whether appointed as such or not, who, acting or purporting to act on behalf of the owner, takes part in the management, control, supervision and direction of the mine or of any part thereof;’;

(ii) clause (d) shall be omitted;

(iii) after clause (f), the following clauses shall be inserted, namely:—

‘(ff) “Deputy Director”, means a Deputy Director of Mines Safety appointed under this Act, and includes a district magistrate when exercising any power or performing any duty of a Deputy Director which he is empowered by this Act to exercise or perform;

(fff) “Director-General” means the Director-General of Mines Safety appointed under this Act;’;

(iv) for clause (h), the following clause shall be substituted, namely:—

‘(h) a person is said to be “employed” in a mine who works under appointment by or with the knowledge of the owner, agent or manager, whether for wages or not—

(i) in any mining operation (including the concomitant operations of handling and transport of minerals up to the point of despatch and of gathering sand and transport thereof to the mine);

(ii) in operations or services relating to the development of the mine including construction of plant, buildings, roads, wells and other works therein directly connected with any existing or future mining operations;

(iii) in operating, servicing, maintaining or repairing any part of any machinery used in or about the mine;

(iv) in operations of loading for despatch of minerals * * *;

(v) in the office of the mine located in or about the mine;

(vi) in any welfare, health, sanitary or conservancy services required to be provided under this Act or for watch and ward within the premises of the mine * * *; or

(vii) in any other sphere whatsoever which is preparatory or incidental or ancillary to, or connected with, mining operations;’;

(v) clause (i) shall be omitted;

(vi) for clause (j), the following clause shall be substituted, namely:—

52 of 1948.
67 of 1957.
(j) "mine" means any excavation where any operation for the purpose of searching for or obtaining minerals has been or is being carried on whether under a mining lease including an exploring or a prospecting licence granted under the Oilfields (Regulation and Development) Act, 1948, or under a prospecting licence or a mining lease granted under the Mines and Minerals (Regulation and Development) Act, 1957, or under any other lease or licence or permission granted under any other enactment or agreement, permit or order or otherwise and includes—

- (i) all borings, bore holes, oilwells and accessory crude conditioning plants, including the pipelines and pumping stations provided for conveying mineral oil from the oil-fields up to the point where it enters the refinery or other processing plant;
- (ii) all shafts, in or adjacent to and belonging to a mine, whether in the course of being sunk or not;
- (iii) all levels and inclined planes in the course of being driven in or about the mine;
- (iv) all open cast workings in or about the mine;
- (v) all conveyors or aerial ropeways provided for the bringing into or removal from a mine of minerals or other articles or for the removal of refuse therefrom;
- (vi) all adits, levels, planes, machinery, works, railways, tramways and sidings, in or adjacent to and belonging to a mine;
- (vii) all protective works being carried out in or about the mine;
- (viii) all stores and workshops situated within the precincts of a mine and under the same management and used primarily for the purposes connected with that mine or a number of mines under the same management;
- (ix) all power stations, transformer sub-stations, converter stations, rectifier stations and accumulator storage stations for supplying electricity solely or mainly for the purpose of working the mine or a number of mines under the same management;
- (x) any premises for the time being used for depositing refuse from a mine or sand or other material for use in the mine or in which any operation in connection with such refuse, sand or other material is being carried on, being premises exclusively occupied by the owner of the mine;
- (xi) unless exempted by the Central Government by notification in the Official Gazette, any premises or part thereof, in or adjacent to and belonging to a mine, on which any process ancillary to the getting, dressing or preparation for sale of minerals or of coke is being carried on;';

(vii) clause (jjj) shall be omitted;

(viii) after clause (p), the following clause shall be inserted, namely:—

‘(pp) “reportable injury” means any injury other than a serious bodily injury which involves or in all probability will involve, the enforced absence of the injured person from work * * *;’

(ix) for clause (q), the following clause shall be substituted, namely:—

‘(q) “serious bodily injury” means any injury which involves, or in all probability will involve, the permanent loss of the use of any part or section of a body, or the permanent loss of or injury to the sight or hearing or any permanent physical incapacity or the fracture of any bone or one or more joints or bone or bones of any phalanges of hand or foot, and includes loss of or injury to any other part of the body;’.

Amend-
ment of
section 3.

4. In section 3 of the principal Act, in sub-section (1), in clause (b),—

(a) after the words “building stone”, the word “slate”, shall be inserted;

(b) after the words “fullers earth”, the words “, marl, chalk” shall be inserted.

5. In Chapter II of the principal Act, for the heading “Inspectors and Certifying Surgeons”, the heading “Inspecting Staff and Certifying Surgeons” shall be substituted.

Substitu-
tion of
new head-
ing for
heading
to Chapter
II.

6. In section 8 of the principal Act,—

(a) after the words “levelling or measuring any mine”, the words “or any output therefrom” shall be inserted;

(b) after the words “the mine or any part thereof”, the words “or any output therefrom” shall be inserted.

7. After section 9 of the principal Act, the following section shall be inserted, namely:—

Insertion
of new
section 9A.
Power to
undertake
safety
and
occupa-
tional
health
survey.

“9A. (1) The Director-General or a Deputy Director or other officer authorised by him in writing in this behalf may, at any time during the normal working hours of a mine or at any time by day or night as may be necessary, undertake safety and occupational health survey in a mine after giving not less than forty-eight hours’ notice in writing to the manager of the mine; and the owner, agent or manager of the mine shall afford all necessary facilities (including facilities for the examination and testing of plant and machinery, for the collection of samples and other data pertaining to the survey and for the transport and examination of any person employed in the mine chosen for the survey) to such Director-General, Deputy Director or other officer.

(2) Every person employed in a mine who is chosen for examination in any safety and occupational health survey under sub-section (1) shall present himself for such medical examination and at

Amend-
ment of
section 8.

such place as may be necessary and shall furnish all information regarding his work and health in connection with the said survey.

(3) The time spent on transport and such medical examination by any person employed in a mine who is chosen for examination in the safety and occupational health survey, shall be counted towards his working time; so, however, that any overtime shall be paid at twice the ordinary rate of wages.

(4) (a) Every person who as a result of the medical examination under sub-section (2) is declared medically unfit to discharge his duty in a mine, shall be entitled to medical treatment and full wages during the period of such treatment, and the owner, agent and manager shall be liable for payment of expenses incurred by such person for medical treatment and his full wages for the aforesaid period.

(b) If after the medical treatment the person referred to in clause (a) is declared medically unfit to discharge the duty in a mine which he was discharging immediately before undergoing the medical treatment, the owner, agent and manager shall provide such person with suitable alternative job in the mine".

8. In section 10 of the principal Act,—

Amend-
ment of
section 10.

(a) in sub-section (1), after the word "inspection", the words "or survey" and after the word and figure "section 8", the words, figure and letter "or section 9A" shall be inserted;

(b) in sub-section (2), for clause (e), the following clauses shall be substituted, namely:—

"(e) the Controller, Indian Bureau of Mines;

(f) any registered or recognised trade union;

(g) such other officer, authority or organisation as may be specified in this behalf by the Central Government".

9. (1) For section 12 of the principal Act, the following sections shall be substituted, namely:—

Substi-
tution of
new
sections
for
section 12
and
saving.

Consti-
tution
of
Mining
Boards.

12. (1) The Central Government shall, with effect from such date as that Government may by notification in the Official Gazette specify in this behalf, constitute for the purposes of this Act—

(a) a Mining Board for all coal mines; and

(b) a Mining Board for all mines other than coal mines.

Explanation.— In this section, "coal mine" has the meaning assigned to it in clause (b) of section 2 of the Coal Mines (Taking Over of Management) Act, 1973.

(2) Every Mining Board constituted under sub-section (1) shall consist of—

(a) a technical person in the service of the Government, not being the Director-General or a Deputy Director appointed by the Central Government, to act as Chairman;

- (b) The Director-General or a Deputy Director appointed by the Central Government;
- (c) a person, not being the Director-General or a Deputy Director, appointed by the Central Government;
- (d) four persons representing Governments of such States as the Central Government may specify in this behalf, from time to time, appointed by the Central Government;
- (e) four persons representing owners of mines nominated by the Central Government, in consultation with the owners of mines, or in consultation with such organisations of owners of mines as may be recognised by the Central Government for the purpose;
- (f) six persons representing persons employed in mines nominated by the Central Government in consultation with such organisations of persons employed in mines as may be recognised by the Central Government for the purpose; and
- (g) two persons to represent the interests of technical persons employed in the mines nominated by the Central Government in consultation with such organisation of technical persons employed in the mines as may be recognised by the Central Government for the purpose.

Vacancies, etc.
not to
invalidate
acts and
proceed-
ings
of a
Mining
Board.

12A. No act or proceeding of a Mining Board shall be invalid by reason only of the existence of any vacancy among its members or any defect in the constitution thereof.'

(2) (a) As from the date of constitution of a Mining Board under section 12 of the principal Act as amended by this Act (hereafter in this sub-section referred to as the Board)—

- (i) any Mining Board constituted under section 12 of the principal Act and functioning as such on the aforesaid date shall stand dissolved;
- (ii) the Chairman and members of any such Mining Board, who on the aforesaid date are members of that Mining Board, shall cease to hold office as such;
- (iii) all proceedings pending on the aforesaid date in any Mining Board shall stand transferred to—

(A) where such proceedings relate to any coal mine, to the Board constituted under clause (a) of sub-section (1) of section 12 of the principal Act as amended by this Act,

(B) where the proceedings relate to mines other than coal mines, to the Board constituted under clause (b) of sub-section (1) of the said section 12,

and shall be disposed of by the Board concerned as if such proceedings had been pending before it.

(b) Anything done or any action taken before the aforesaid date by any Mining Board shall, so far as it is not inconsistent with any of the provisions of the principal Act as amended by this Act, be as valid and effectual as if it had been done or taken by the Board concerned.

10. In section 13 of the principal Act,—

(a) in sub-section (1), for clause (c), the following clause shall be substituted, namely:—

“(c) two persons to represent the interests of the persons employed in the mine * * * nominated by the Central Government in consultation with recognised trade unions of the persons employed in that mine:

Provided that where no such recognised trade union exists, the nomination shall be made in consultation with such other organisations of persons employed in mines as the Central Government may deem fit.”;

(b) sub-section (3) shall be omitted.

Amend-
ment of
section 13.

11. In section 16 of the principal Act, in sub-section (1), for the word “Director”, the word “Controller” shall be substituted.

Amend-
ment of
section 16.

12. For sections 17 and 18 of the principal Act, the following sections shall be substituted, namely:—

Substi-
tution
of new
sections
for
sections 17
and 18.
Manage-
ment.

“17. (1) Save as may be otherwise prescribed, every mine shall be under a sole manager who shall have the prescribed qualifications and the owner or agent of every mine shall appoint a person having such qualifications to be the manager:

Provided that the owner or agent may appoint himself as manager if he possesses the prescribed qualifications.

(2) Subject to any instructions given to him by or on behalf of the owner or agent of the mine, the manager shall be responsible for the overall management, control, supervision and direction of the mine.

(3) Save as otherwise provided in sub-section (4), no owner or agent or any one on his behalf shall give to the manager any instructions which affect the fulfilment of the statutory responsibilities of the manager imposed by or under this Act, or which affect the safety of persons employed in the mine, unless the owner or agent or other person giving such instructions is qualified to be the manager of that mine, and all such instructions when given by such owner or agent or that other person shall be confirmed in writing forthwith.

(4) Except in case of an emergency, the owner or agent of a mine or anyone on his behalf shall not give, otherwise than through the manager, any instructions which affect the fulfilment of his responsibilities imposed by or under this Act, to a person employed in a mine, who is responsible to the manager.

Duties
and
responsi-
bilities of
owners,
agents
and
managers.

18. (1) The owner and agent of every mine shall be responsible for making financial and other provisions and for taking such other steps as may be necessary for the appointment of adequate staff and also for equipping and providing it with men and material in such a manner that all operations carried on therein are conducted in accordance with the provisions of this Act and of the regulations, rules and bye-laws and of any orders made thereunder.

(2) The responsibility in respect of matters provided for in the rules made under clauses (d), (e) and (p) of section 58 shall be exclusively carried out by the owner and agent of the mine and by such person (other than the manager) whom the owner or agent may appoint for securing compliance with the aforesaid provisions of this Act.

(3) If the carrying out of any instructions given under sub-section (3), or given otherwise than through the manager under sub-section (4) of section 17, entails or results in the contravention of the provisions of this Act or of the regulations, rules or bye-laws or of any orders made thereunder, every person giving such instructions shall also be liable for the contravention of the provisions concerned.

(4) Subject to the provisions of sub-sections (1), (2) and (3), the owner, agent and manager of every mine shall each be responsible to see that all operations carried on in connection with the mine are conducted in accordance with the provisions of this Act and of the regulations, rules and bye-laws and of any orders made thereunder.

(5) In the event of any contravention by any person whosoever of any of the provisions referred to in sub-section (3) except those which specifically require any person to do an act or thing or prohibit any person from doing an act or thing, besides the person who contravenes, each of the following persons shall also be deemed to be guilty of such contravention unless he proves that he had used due diligence to secure compliance with the said provisions and had taken reasonable means to prevent such contravention:—

- (i) the official or officials appointed to perform duties of supervision in respect of the provisions contravened;
- (ii) the manager of the mine;
- (iii) the owner and agent of the mine; and
- (iv) the person appointed, if any, to carry out the responsibility under sub-section (2):

Provided that any of the persons aforesaid may not be proceeded against if it appears, on inquiry and investigation, that he is not *prima facie* liable.

(6) It shall not be a defence in any proceedings brought against the owner or agent of a mine under this section that the manager and other officials have been appointed in accordance with the provisions of this Act or that a person to carry out the responsibility under sub-section (2) has been appointed.”.

Amend-
ment of
section 19.

13. In section 19 of the principal Act, in sub-section (2), for the words “twenty feet”, the words “six metres” shall be substituted.

14. In section 22 of the principal Act,—

(a) in sub-section (3), for the words "until the danger is removed", the words "until he is satisfied that the danger is removed" shall be substituted;

(b) in sub-section (5), after the word, brackets and figure "sub-section (4)", the words, figures and letter "or under section 22A" shall be inserted;

(c) in sub-section (6),—

(i) after the word, brackets and figure "sub-section (4)", the words, figures and letter "or under section 22A" shall be inserted;

(ii) for the words "which shall refer", the words "which shall, ordinarily within a period of two months from the date of receipt of the objection, refer" shall be substituted;

(d) in sub-section (7),—

(i) after the word, brackets and figure "sub-section (4)", the words, figures and letter "or under section 22A" shall be inserted;

(ii) in the proviso, for the word "requisition", the word "notice" shall be substituted.

15. After section 22 of the principal Act, the following section shall be inserted, namely:—

"22A. (1) Where in respect of any matter relating to safety for which express provision is made by or under this Act, the owner, agent or manager of a mine fails to comply with any such provision, the Director-General may give notice in writing requiring the same to be complied with within such time as he may specify in the notice or within such extended period of time as he may, from time to time, specify thereafter and where the owner, agent or manager fails to comply with such notice, the Director-General may, without prejudice to any other action that may be taken against the owner, agent or manager of the mine under this Act, by order in writing, prohibit the employment in or about the mine or any part thereof of any person whose employment is not, in his opinion, reasonably necessary for securing compliance with the terms of the notice.

(2) Every person whose employment is prohibited under sub-section (1), shall be entitled to payment of full wages for the period for which he would have been, but for the prohibition, in employment, and the owner, agent or manager shall be liable for payment of such full wages of that person."

16. In section 23 of the principal Act,—

(a) in sub-section (1), in clause (a), for the words "serious bodily injury", the words "reportable injury or serious bodily injury" shall be substituted;

(b) in sub-section (3), for the words "forty-eight hours", the words "twenty-four hours" shall be substituted.

Amend-
ment of
section 22Insertion
of new
section
22A.Powers of
Director-
General
in cases
where
the pro-
visions
of the
Act are
not
complied
with.Amend-
ment of
section 23.

Insertion
of new
section
23A.

Place
of
accident
not to
be dis-
turbed.

17. After section 23 of the principal Act, the following section shall be inserted, namely:—

“23A. (1) Whenever there occurs in or about a mine an accident causing loss of life or serious bodily injury to any person, the place of accident shall not be disturbed or altered before the arrival or without the consent of the Director-General or the Deputy Director to whom notice of the accident is required to be given under sub-section (1) of section 23, unless such disturbance or alteration is necessary to prevent any further accident, to remove bodies of the deceased, or to rescue any person from danger, or unless discontinuance of work at the place of accident would seriously impede the working of the mine.

(2) Without prejudice to the provisions of sub-section (2) of section 23, it shall be the duty of the Director-General or the said Deputy Director to inspect the place of accident within seventy-two hours after the receipt of the notice referred to in sub-section (1).

(3) Where the Director-General or the said Deputy Director fails to inspect the place of accident within seventy-two hours of the time of the accident, work may be resumed at the place of the accident.”.

Amend-
ment of
section
33.

18. In section 33 of the principal Act, for sub-sections (2) and (3), the following sub-sections shall be substituted, namely:—

‘(2) Where any person employed in a mine is paid on piece-rate basis, the time-rate shall be taken as equivalent to the daily average of his full-time earnings for the days on which he actually worked during the week immediately preceding the week in which overtime work has been done, exclusive of any overtime, and such time-rate shall be deemed to be the ordinary rate of wages of such person:

Provided that if such person has not worked in the preceding week on the same or identical job, the time-rate shall be based on the average for the days he has worked in the same week excluding the overtime or on the daily average of his earnings in any preceding week, whichever is higher.

(3) For the purposes of this section and section 9A, “ordinary rate of wages” means the basic wages plus any dearness allowance and underground allowance and compensation in cash including such compensation, if any, accruing through the free issue of foodgrains and edible oils as persons employed in a mine may, for the time being be entitled to, but does not include a bonus (other than a bonus given as an incentive for production) or any compensation accruing through the provision of amenities such as free housing, free supply of coal, medical and educational facilities, sickness allowance, supply of kerosene oil, * * * baskets, tools and uniforms’.

19. In section 38 of the principal Act, in sub-section (1), after the words and figures, "subject to the provisions of section 22", the words, figures and letter "or section 22A" shall be inserted.

Amend-
ment of
section
38.

20. In section 49 of the principal Act, for the proviso, the following proviso shall be substituted, namely:—

Amend-
ment of
section
49.

"Provided that if such award, agreement or contract of service provides for a longer annual leave with wages than that provided for in this Chapter, the quantum of leave, which such person shall be entitled to, shall be in accordance with such award, agreement or contract of service, but in matters not provided for in such award, agreement or contract of service, or in matters which are provided for less favourably therein, the provisions of sections 50 to 56 (both inclusive), so far as may be, shall apply."

21. In section 52 of the principal Act,—

Amend-
ment of
section
52.

(a) in sub-section (1),—

(i) in clause (a), for the words "sixteen days", the words "twelve days" shall be substituted;

(ii) in clause (b), for the words "twenty days", the words "sixteen days" shall be substituted;

(b) after sub-section (9) and before the *Explanation*, the following sub-section shall be inserted, namely:—

"(10) Where a person employed in a mine is, during the course of a calendar year, discharged or dismissed from service or quits his employment or is superannuated or dies while in service, he or his heirs or his nominee, as the case may be, shall be entitled to wages in lieu of leave calculated at the rate specified in sub-section (1), if—

(a) in the case of a person employed below ground in a mine, he has put in attendance for not less than one-half of the total number of days from the date of his employment to the date of his discharge or dismissal or quitting of employment or superannuation or death;

(b) in any other case, he has put in attendance for not less than two-thirds of the total number of days from the date of his employment to the date of his discharge or dismissal or quitting of employment or superannuation or death;

and payment of such wages shall be made by the owner, agent or manager of the mine at the rate specified in section 53, where the person is discharged or dismissed from service or quits employment or is superannuated, before the expiry of the second working day after such discharge, dismissal quitting of employment or superannuation, as the case may be, and where the person employed dies while in service, within a period of two months of his death.";

(c) in the *Explanation*, for the words, brackets and figures "sub-sections (1) and (3)", the words, brackets and figures "sub-sections (1), (3) and (10)" shall be substituted.

Amend-
ment of
section
57.

22. In section 57 of the principal Act,—

(a) in clause (q), for the words “for providing for the safety of persons present on haulage roads”, the words “for regulating the use of machinery in mines, for providing for the safety of persons employed on or near such machinery and on haulage roads” shall be substituted;

(b) in clause (u), for the words “for prescribing the plans, and sections and field notes connected therewith, to be kept by owners, agents and managers of mines”, the words “for requiring owners, agents and managers of mines to have fixed boundaries for the mines, for prescribing the plans, and sections and field notes connected therewith, to be kept by them” shall be substituted;

(c) in clause (v), the words “for the purpose of dealing effectively with the situation” shall be inserted at the end;

(d) in clause (x), for the words “fifty yards”, the words “forty-five metres” shall be substituted.

23. In section 58 of the principal Act,—

(a) for clause (a), the following clause shall be substituted, namely:—

“(a) for prescribing the term of office and other conditions of service of, and the manner of filling vacancies among, the members of a Mining Board, and for regulating the procedure to be followed by a Mining Board for transacting its business;”;

(b) in clause (c), after the words “connected with the inquiry”, the words “in the same manner as an arrear of land revenue” shall be inserted;

(c) after clause (c), the following clause shall be inserted, namely:—

“(cc) for providing for inspection of mines to be carried out on behalf of the persons employed therein by a technical expert (not less than an overman in status), the facilities therefor, the frequency at which and the manner in which such inspections are to be carried out and the manner in which reports of such inspections are to be made;”;

(d) clauses (r), (s), (t) and (u) shall be omitted;

(e) for clause (v), the following clause shall be substituted, namely:—

“(v) for providing for the constitution of safety committees for groups of specified mines or for all mines in a specified area for promoting safety and for laying down the composition, manner of formation and functions of such safety committees; and”.

24. In section 59 of the principal Act,—

(a) in sub-section (1), for the words and figures “sections 57 and 58”, the words, figures and letter “sections 57, 58 and 62G” shall be substituted;

Amend-
ment of
section 59.

(b) for sub-section (4), the following sub-section shall be substituted, namely:—

(4) No regulation or rule shall be made unless the draft thereof has been referred to the Mining Board concerned and unless that Mining Board has had a reasonable opportunity of reporting as to the expediency of making the same and as to the suitability of its provisions.

Explanation.—In this section and in sections 60, 61 and 81, the expression “the Mining Board concerned” means—

(a) in relation to coal mines, the Mining Board constituted under clause (a) of sub-section (1) of section 12; and

(b) in relation to all mines other than coal mines, the Mining Board constituted under clause (b) of sub-section (1) of the said section;’;

(c) sub-section (7) shall be omitted.

25. After section 59 of the principal Act, the following section shall be inserted, namely:—

“59A. Every regulation made under section 57 and every rule made under section 58 or under section 62G shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the regulation or rule or both Houses agree that the regulation or rule should not be made, the regulation or rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that regulation or rule, as the case may be.”

Insertion
of new
section
59A.

Laying
of regu-
lations
and
rules
Parlia-
ment.

26. In section 60 of the principal Act,—

Amend-
ment of
section
60.

(a) for the words “Mining Boards”, the words “the Mining Board concerned” shall be substituted;

(b) in the proviso, after the words “so made”, the words “shall be sent to the Mining Board concerned for information and” shall be inserted.

27. In section 61 of the principal Act,—

Amend-
ment of
section 61.

(a) in sub-section (1), for the words “for the control and guidance of the persons acting in the management of, or employed in, the mine”, the words “governing the use of any particular machinery or the adoption of a particular method of working in the mine” shall be substituted;

(b) in sub-section (3), for the words “Mining Board or, where there is no Mining Board, to such officer or authority as the Central Government may, by general or special order, appoint in this behalf”, the words “Mining Board concerned” shall be substituted;

(c) in sub-section (4), in clause (a), for the words "Mining Board or such officer or authority as aforesaid", the words "Mining Board concerned" shall be substituted.

Insertion
of new
Chapter
VIIIA.

28. After section 62 of the principal Act, the following Chapter and sections shall be inserted, namely:—

"CHAPTER VIIIA

Coal Mines Rescue Stations Committee

Constitu-
tion of
Coal
Mines
Rescue
Stations
Commit-
tee.

62A. (1) The Central Government shall, with effect from such date as that Government may, by notification in the Official Gazette, specify in this behalf, constitute a committee to be known as the Central Coal Mines Rescue Stations Committee (hereafter in this Chapter referred to as the Rescue Committee).

(2) The Rescue Committee shall be a body corporate by the name aforesaid having perpetual succession and a common seal, with power, subject to the provisions of this Act, to acquire, hold and dispose of property, both movable and immovable, and to contract and shall by the said name sue and be sued.

(3) The head office of the Rescue Committee shall be at Dhanbad or at such other place as the Central Government may, by notification in the Official Gazette, specify.

(4) The Rescue Committee shall consist of not less than ten, and not more than eighteen, members appointed by the Central Government.

(5) The Central Government shall nominate one of the members of the Rescue Committee to be its Chairman.

(6) The term of office and other conditions of service of, and the manner of filling vacancies among, the members of the Rescue Committee shall be such as may be prescribed.

(7) The Rescue Committee may appoint sub-committees or agencies at other places.

Manage-
ment.

62B. The general management, control, supervision and direction of the rescue stations shall vest in the Rescue Committee.

Imposi-
tion and
collection
of duty.

62C. (1) There shall be levied and collected as a cess for administration of rescue stations, a duty of excise on all coke and coal despatched from mines for which rescue stations have been established, at such rate not exceeding ten paise per tonne, as may from time to time be fixed by the Central Government by notification in the Official Gazette,

(2) The duty levied under sub-section (1) shall, subject to and in accordance with the rules made in this behalf, be collected by such agencies and in such manner as may be prescribed.

62D. (1) The proceeds of the duty levied under section 62C shall first be credited to the Consolidated Fund of India and the Central Government may, after due appropriation by Parliament, by law made in this behalf, pay to the Rescue Committee in each financial year, such sums not exceeding the net proceeds of the duty after deducting the expenses of collection, as may be considered necessary, for the performance of the functions of the Rescue Committee under this Act.

Payment
of-pro-
ceeds
of duty
to
Rescue
Commit-
tee.

(2) The Rescue Committee shall have its own fund and all receipts of the Rescue Committee shall be credited thereto and all payments made by the Rescue Committee shall be made therefrom.

(3) The fund of the Rescue Committee shall be applied towards meeting the expenses of the Rescue Committee and on the construction, maintenance and up-keep of the rescue stations.

62E. (1) The Rescue Committee shall maintain proper accounts and other relevant records and prepare an annual statement of accounts, including the balance-sheet in such form as may be prescribed by the Central Government in consultation with the Comptroller and Auditor-General of India.

Accounts
and
audit.

(2) The accounts of the Rescue Committee shall be audited by the Comptroller and Auditor-General of India or by any other person appointed by him in this behalf at such intervals as may be specified by him and any expenditure incurred in connection with such audit shall be payable by the Rescue Committee to the Comptroller and Auditor-General.

(3) The Comptroller and Auditor-General of India and any person appointed by him in connection with the audit of the accounts of the Rescue Committee shall have the same rights and privileges and authority in connection with such audit as the Comptroller and Auditor-General has in connection with the audit of Government accounts, and in particular, shall have the right to demand the production of books, accounts, connected vouchers and other documents and papers and to inspect any of the offices of the Rescue Committee.

(4) The accounts of the Rescue Committee as certified by the Comptroller and Auditor-General of India or any other person appointed by him in this behalf together with the audit report thereon shall be forwarded annually to the Central Government and that Government shall cause the same to be laid before each House of Parliament.

62F. The Rescue Committee shall submit to the Central Government an annual report of its work and activities in such form and before such date as may be prescribed, and that Government shall cause the same to be laid before each House of Parliament.

Annual
report.

62G. (1) The Central Government may, by notification in the Official Gazette, make rules for the purpose of giving effect to the provisions of this Chapter.

Power
to make
rules.

(2) Without prejudice to the generality of the foregoing power, such rules may provide—

(i) for the custody of the fund of the Rescue Committee;

- (ii) for the term of office and other conditions of service of, and the manner of filling vacancies among, the members of the Rescue Committee, and the procedure to be followed by the Rescue Committee for transacting its business;
- (iii) for requiring the establishment of rescue stations for groups of specified coal mines or for all coal mines in a specified area;
- (iv) for regulating the powers and functions of, and the conduct of business by, authorities (other than the Rescue Committee) charged with the management of the rescue stations;
- (v) for prescribing the equipment, control, maintenance and functions of rescue stations;
- (vi) for providing for the formation, training, composition and duties of rescue brigades and corps and for the terms and conditions of service of persons trained in rescue work employed in mines;
- (vii) for regulating the conditions of service of its employees;
- (viii) for the form and the manner in which the accounts and other relevant records of the Rescue Committee shall be maintained and the annual statement of accounts including the balance-sheet shall be prepared;
- (ix) for the form of the annual report of the Rescue Committee and the date on or before which it shall be submitted to the Central Government.

Transfer of assets and liabilities of the Committee constituted under the Coal Mines Rescue Rules, 1959.

62H. As from the date the Rescue Committee is established under sub-section (1) of section 62A—

- (a) all properties, movable and immovable, vested in the Committee constituted under the Coal Mines Rescue Rules, 1959, shall vest in the Rescue Committee;
- (b) all debts, obligations and liabilities incurred all, contracts entered into and all matters and things engaged to be done by, with, or for, the Committee constituted under the Coal Mines Rescue Rules, 1959, shall be deemed to have been incurred, entered into, or engaged to be done by, with, or for, the Rescue Committee;
- (c) all suits, prosecutions and other legal proceedings instituted or which might have been instituted by, for or against, the Committee constituted under the Coal Mines Rescue Rules, 1959, may be continued or instituted by, for or against, the Rescue Committee.

Savings.

62I. All actions taken or things done by the Committee constituted under the Coal Mines Rescue Rules, 1959, in pursuance of the provisions of this Act or the rules made thereunder before the commencement of the Mines (Amendment) Act, 1973, shall, unless inconsistent with the provisions of this Act as amended by the Mines (Amendment) Act, 1973, be deemed to have been taken or done under this Act as amended by the Mines (Amendment) Act, 1973 and the rules made thereunder.”.

29. In section 72B of the principal Act,—

(a) after the word and figures "section 22", the words, figures and letter "or under section 22A" shall be inserted;

(b) for the words "which may extend to five thousand rupees", the words "which shall not be less than two thousand rupees but which may extend to five thousand rupees" shall be substituted;

30. In section 72C of the principal Act, in sub-section (1),—

(a) after the word and figures "section 22", the words, figures and letter "or under section 22A" shall be inserted;

(b) in clause (a) for the words "which may extend to five thousand rupees", the words "which shall not be less than three thousand rupees but which may extend to five thousand rupees" shall be substituted;

31. In section 79 of the principal Act,—

(a) in clause (iii), the word "or" shall be inserted at the end;

(b) after clause (iii), the following clause shall be inserted, namely:—

"(iv) in any case in which a Government servant is also an accused for whose prosecution previous sanction of the Central Government or of the State Government or of any other authority is necessary under any law for the time being in force, within three months of the date on which such sanction is received by the Director-General.",

32. In section 81 of the principal Act, for the words "a Mining Board" in both the places where they occur, the words "the Mining Board concerned" shall be substituted.**33. In section 83 of the principal Act,—**

(a) in sub-section (1), for the words "all or any of the provisions of this Act", the words "all or any of the provisions of this Act or of the regulations, rules or bye-laws made thereunder" shall be substituted;

(b) in sub-section (2), for the words "regulations or rules under this Act", the words "regulations, rules or bye-laws" shall be substituted.

34. Section 84 of the principal Act shall be renumbered as sub-section (1) of that section and after sub-section (1) as so renumbered, the following sub-sections shall be inserted namely:—

"(2) The Director-General may, for reasons to be recorded in writing, reverse or modify any order passed by him under this Act or under any regulation, rule or bye-law.

(3) No order prejudicial to the owner, agent or manager of a mine shall be made under this section unless such owner, agent or manager has been given a reasonable opportunity of making representations."

Amend-
ment of
section
72B.

Amend-
ment of
section
72C.

Amend-
ment of
section 79.

Amend-
ment of
section 81.

Amend-
ment of
section
83.

Amend-
ment of
sec'ion 84.

Insertion
of new
sections
85B and
85C.

35. After section 85A of the principal Act, the following sections shall be inserted, namely:—

Signing
of
returns,
notices
and
corres-
pondence.

“85B. All returns and notices required under, or correspondence made in connection with, the provisions of this Act or of any regulation, rule, bye-law or any order made thereunder shall be signed by the owner, agent or manager of the mine:

Provided that the owner may, by a power-of-attorney, delegate this function to any other specified person.

No fee or
charge
for
facilities
and
conve-
niences.

85C. * * * No fee or charge shall be realised from any person employed in a mine in respect of any protective arrangements or facilities to be provided, or any equipment or appliances to be supplied under the provisions of this Act.”.

S. L. SHAKDHER,
Secretary.